

COPY

State of New Hampshire

OFFICE OF ATTORNEY-GENERAL

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

1956

January 27

Joseph C. Jasper, Chairman  
Board of Chiropractic Examiners  
17 Short Street  
Milford, New Hampshire

Dear Mr. Chairman:

This is in response to your verbal request yesterday afternoon of our opinion as to whether Chiropractic Law (RSA 316) prohibits unlicensed individuals from practicing chiropractic. Chiropractic is defined (RSA 316:1) as:

" . . . the science of adjusting the cause of disease by realigning by hand the twenty-four movable vertebrae of the spinal column or misalignments of the sacroiliac articulation, releasing pressure on nerves radiating from the spine to all parts of the body, and allowing the nerves to carry their full quota of health current (nerve energy) from the brain to all parts of the body."

You said that a situation had recently been called to your attention involving an individual who was unsuccessful at passing the chiropractic examination. You state that he now holds himself out as a physiotherapist and advertises in newspapers as such. Part of his treatment however consists of adjusting vertebra of the spinal column. According to the information which you submitted he does not in any way hold himself out to be a chiropractor nor does he advise his patients that the treatment received is chiropractic in nature. RSA 316:20 provides as follows:

"Whoever, not being registered and licensed as herein provided, shall advertise himself or in any way hold himself out as qualified to practice chiropractic, or whoever does so after receiving notice that his license has been revoked, and whoever, being registered and licensed as herein provided, shall advertise or call himself, or allow himself to be advertised or called a physician or a doctor, or use

(a. Trainer)

See also  
notes dated  
11/23/54  
this folder  
re: grammar

COPY

of New Hampshire  
OFFICE OF ATTORNEY-GENERAL

January 27, 1956

Joseph C. Jasper, Chairman

any physician's or doctor's insignia as such except "Doctor (name of chiropractor) chiropractor," shall be fined not more than one hundred dollars, or imprisoned not more than three months for the first offense, and for any subsequent offense he shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both; and upon conviction his license shall be revoked."

It is the opinion of this office that the conduct of this individual does not constitute a violation of section 20. This section does not prohibit the practice of chiropractic as defined in section 1 but, rather, makes it a crime for an unlicensed individual to "advertise himself or in any way hold himself out as qualified to practice chiropractic".

It is significant that in the cases of certain other professions the statutes prohibit the practice of the profession by unlicensed individuals. See RSA 329:24 relating to the practice of medicine and RSA 315:2 deals with chiropodists.

If the individual in question in addition to the conduct which you described in any way held himself out to be a chiropractic the situation would be different. For example, if he had a diploma showing that he was a graduate of a school of chiropractic hanging on his office wall this would be an indication that he was holding himself out as a chiropractor. The same would be true if he advised patients that the treatment given was chiropractic in nature. It would appear, however, that something beyond the mere practice of chiropractic is necessary to bring himself within the prescription of RSA 316:20.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/t